



COUNTY OF LOS ANGELES
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MARY C. WICKHAM
County Counsel

March 23, 2016

TO: LORI GLASGOW
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JENNIFER A.D. LEHMAN 
Assistant County Counsel
Law Enforcement Services Division

RE: **Christopher Pettersen, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 14-04699

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached is the Case Summary and the Summary Corrective Action for the case.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

JADL:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Christopher Pettersen, et al. v. County of Los Angeles, et al., United States District Court Case No. CV 14-04699 in the amount of \$150,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of wrongful death and excessive force by Sheriff's Deputies. **NOTE: The Chief Executive Office requests that the corrective action plan be continued 30 days, to May 10, 2016.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Christopher Pettersen, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 14-4699
COURT	United States District Court
DATE FILED	May 16, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 150,000
ATTORNEY FOR PLAINTIFF	Alan J. Schimmel, Esq. Schimmel & Parks, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty, Principal Deputy
NATURE OF CASE	<p>This is a recommendation to settle for \$150,000, inclusive of attorneys' fees and costs, the lawsuit filed by Christopher Pettersen (the son of Steven Pettersen, the decedent), and the Estate of Steven Pettersen, against the County of Los Angeles, and Sheriff's Deputies Edgar Quintana and Louis Cabrera alleging federal civil rights violations based on excessive force, negligence, and State-law causes of action arising out of the shooting death of Steven Pettersen.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$150,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 119,323
PAID COSTS, TO DATE	\$ 32,956

Case Name: Christopher Pettersen, et al. v. County of Los Angeles



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of Incident/event:	
Briefly provide a description of the incident/event:	<p><u>Pettersen, et al. v. County of Los Angeles</u></p> <p>On Thursday, January 30, 2014, at approximately 8:14 p.m., the Los Angeles County Sheriff's Department's Santa Clarita Station received three separate calls from citizens reporting that a man (later identified as the decedent) was walking in traffic and attempting to strike passing vehicles with a large metal spike.¹</p> <p>At about the same time, two Los Angeles County deputy sheriffs assigned to the Santa Clarita Station and working a marked two-man patrol unit, were at a convenience store just a block away. The deputy sheriffs were flagged down by three citizens who advised them a man (the decedent) was walking on the center median of Soledad Canyon Road² clad only in his underwear, acting erratically and carrying a large metal spike.</p> <p>The deputy sheriffs got into their patrol vehicle and drove "Code-3" to the location where they observed the decedent at the intersection of Soledad Canyon Road and Shangri-La Drive. The decedent was wearing only underwear during cold weather, appeared "enraged," and was carrying a large metal spike. The deputy sheriffs formed the opinion that the decedent might be under the influence of "PCP," or some other type of drug, because he was wearing inadequate clothing for the cold temperature.</p> <p>The decedent charged the deputies yelling, "Kill me, kill me," while holding the large metal spike over his head. The decedent's actions forced the two deputy sheriffs to retreat to the rear bumper of their patrol car for safety. The deputy sheriffs attempted to detain the decedent at gunpoint as they requested emergency radio clearance and additional units for assistance. While the decedent stopped his aggression, he refused several orders to drop the spike. The two deputy sheriffs formulated a plan; the first deputy sheriff would cover the decedent with his firearm, while the second deputy sheriff deployed a Taser.</p> <p>Due to heavy traffic conditions, several cars were slowing and stopping in the area. The decedent approached an occupied vehicle stopped at the traffic signal and struck the driver's side rear window with the large metal</p>

¹ The object was identified differently by several involved parties in this incident. It was described as a hockey stick, large stick, water pipe, spear, sign post, arrow, metal pole, and harpoon. During their investigation, Homicide detectives determined the large metal spike was a four foot long "sand spike" or "sand rod holder" which is a spike with a pointed end that is driven into the ground and used to hold a fishing rod for shore fishing.

² Soledad Canyon Road has a flat, raised center median that is approximately six inches high and two and one-half feet wide which separates the eastbound and westbound lanes.

spike. The decedent was unable to break through the window. Due to the decedent posing an immediate threat to the public, both deputy sheriffs approached the decedent.

The decedent then turned and charged the first deputy sheriff with the large metal spike raised over his head and the spike pointed directly at the deputy sheriff. When the decedent was just a few feet away from the first deputy sheriff, the deputy sheriff discharged his Department-issued duty weapon two times at the decedent (Los Angeles County Sheriff's Department Manual of Policy Procedures section 3-10/200.00, *Use of Firearms and Deadly Force*). The decedent stopped his advance but did not fall to the ground. The first deputy sheriff moved away from the decedent, and the second deputy sheriff deployed a Taser device on the decedent (Los Angeles County Sheriff's Department Manual of Policy Procedures section 5-06/040.95, *Electronic Immobilization Device [Taser] Procedures*). The Taser device had no effect on the decedent.³

The decedent advanced towards the first deputy sheriff causing him to discharge three more rounds from his duty weapon.

The decedent dropped the large metal spike, turned and advanced toward the second deputy sheriff holding an open folding knife in a threatening manner.⁴ The second deputy sheriff dropped the Taser device and drew his firearm. As the decedent came to within a few feet and continued to advance towards him, the second deputy sheriff feared for his life and discharged one round from his Department-issued duty weapon.

The decedent stopped, turned, and advanced on the first deputy sheriff again while holding the knife in a threatening manner. Both deputy sheriffs discharged their firearms at the decedent, causing him to stop and fall to the ground. The deputy sheriffs requested paramedics to the scene. The decedent maintained his grasp of the knife while he was on the ground. When additional deputy sheriffs arrived, they disarmed the decedent and began to administer first aid.

Los Angeles County Fire Paramedics responded to the location. The decedent was pronounced dead at the scene.

³ One Taser dart struck the decedent, while the second dart missed and did not make contact.

⁴ A folding "Buck" style knife with a four and one-half inch blade that locks out to a nine inch total length weapon.

County of Los Angeles
Summary Corrective Action Plan

1. Briefly describe the root cause(s) of the claim/lawsuit:

The **primary** root cause in this incident was the decedent's failure to comply with the orders of two Los Angeles County deputy sheriffs while, at the same time, charging at them (several times) while armed with a large metal spike and ultimately a large hunting knife.

Fearing for their lives, the deputy sheriffs discharged their service weapons at the decedent, striking him.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department engaged in *criminal* misconduct.

The results of the criminal investigation were presented to representatives from the Los Angeles County District Attorney's Office. On January 7, 2015, the Los Angeles County District Attorney's Office concluded that the two Los Angeles County deputy sheriffs "acted lawful in self-defense and in defense of others."

The incident is currently being investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau to determine the extent to which one or more members of the Los Angeles County Sheriff's Department may have engaged in *administrative* misconduct before, during, and/or after the incident.

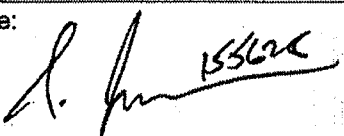
Once the investigation is completed, the results will be presented to the Los Angeles County Executive Force Review Committee for review and consideration.

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Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

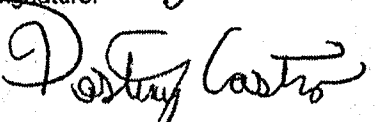
- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 1-27-16

Name: (Department Head) Karyn Mannis, Chief Professional Standards Division	
Signature: Karyn Mannis	Date: 02-03-16

CONTENTS NOTED VIC TRUJILLO

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 2/4/2016